

REMARKS

The Office Action dated November 2, 2010, has been reviewed and the comments of the U.S. Patent and Trademark Office (“Office”) have been considered. The following remarks are respectfully submitted to place all pending claims in condition for allowance.

1. Status of the Claims

A detailed listing of all claims that are in the application is presented with an appropriate defined status identifier. Currently, claims 21-38, 40 and 41 are pending. Claims 21-24, 26-38, 40 and 41 stand allowed. Claim 25 is currently amended with support found in the claims as filed and throughout the specification. Claim 42 is newly added with support found in Table 3, for example. No new matter is added by this amendment. Claims 1-20 and 39 were previously canceled.

2. Rejection under 35 U.S.C. § 112, First Paragraph – Written Description

The Office rejected claim 25 for allegedly containing subject matter that was not described in the specification.

Without conceding to the validity of the rejection and merely to advance prosecution of the application, Applicants have amended claim 25 to delete the phrase: “or E (entgegen) or Z (zusammen) isomeric forms.” Therefore, the rejection is rendered moot by this amendment.

3. New Claim 42

In addition, Applicants have added new claim 42 to directly claim certain isomers that are specifically defined in the specification by recitation of their full structure and identification of their isomeric form. In particular, the species recited in new claim 42 are specifically supported by the specification in Table 3 at pages 77-80, with reference to compounds 54 (*E* isomeric) and 55 (*E* isomeric).

Accordingly, each species of new claim 42 is fully described in the original specification. Table 3 provides the specific structures of these compounds, and identifies each according to its compound number and individual isomeric form. This serves as full satisfaction of the written description requirement.

Applicants request that the Office gives favorable consideration to newly added claim 42.

4. Conclusion

In view of the above amendment, Applicants believe the pending application is in condition for allowance for all pending claims and request favorable action on the merits. Should the Examiner feel that any issue remains to hinder allowance of claim 25 and new claim 42, Applicants request that the Examiner contact the undersigned to resolve the issue.

Applicant submits concurrently a Request for Continued Examination pursuant to 37 C.F.R. § 1.114. Applicant also submits concurrently a request for a three-month extension of time under 37 C.F.R. §1.136 and the accompanying fee. Please charge our Credit Card in the amount of \$940.00 covering the fees set forth in 37 C.F.R. § 1.17(e) and 1.17(a)(1). In the event that any additional extensions of time are necessary to prevent the abandonment of this patent application, then such extensions of time are petitioned. The U.S. Patent and Trademark Office is authorized to charge any additional fees that may be required in conjunction with this submission to Deposit Account No. 50-2228, from which the undersigned is authorized to draw, under Order No. 026038.0281PTUS.

Dated: March 2, 2011

Respectfully submitted,

By 

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